

USDC - DVT
5:21-cv-7

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
Docket No. 1047-11-19 Cncv

VERMONT SUPERIOR COURT
FILED

WENDY L. KALANGES,

Plaintiff

SEP 14 2020

v.

CHITTENDEN UNIT

GOPICHAND VALLABHANENI and
COMMUNITY HEALTH CENTERS OF BURLINGTON (CHCB),
Defendants

NOTICE OF APPEARANCE

Please enter the appearance of Peter B. Joslin, Esq. of the firm of Theriault & Joslin, PC on behalf of Defendants Gopichand Vallabhanen (GV) and Community Health Centers of Burlington (CHCB).

DEFENDANTS' ANSWER

NOW COME Defendants, GV and CHCB, by and through their attorneys, Theriault & Joslin, PC, and Answer Plaintiff's Complaint as follows:

1. Admitted upon information and belief but subject to proof.
2. Generally admitted as stated.
3. Admitted.
4. Non-traversable or denied for lack of knowledge as appropriate.
5. Non-traversable as stating a legal conclusion or denied as appropriate.
6. Non-traversable and no answer is required.
7. Admitted.
8. Non-traversable as stating a legal conclusion.

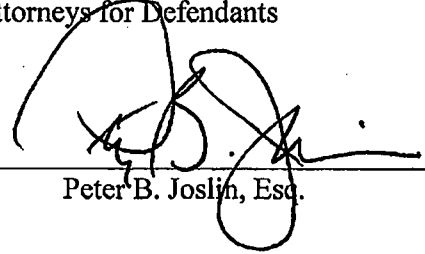
9. Non-traversable as stating a legal conclusion or denied as appropriate.
10. Non-traversable as stating a legal conclusion or denied as appropriate.
11. Denied.
12. Denied.
13. 1) - 3). Denied.
14. Denied or denied for lack of knowledge as appropriate.
15. No paragraph "15."
16. Non-traversable.

AFFIRMATIVE DEFENSES

1. Failure to state claims upon which relief can be granted.
2. Lack of subject matter jurisdiction.
3. Lack of personal jurisdiction.
4. Comparative negligence so as to reduce or bar plaintiff's right of recovery.
5. Consent to dental care as may be supported by the facts.
6. Assumption of the risk as may be supported by the facts.
7. Efficient intervening cause as may be supported by the facts.
8. Defendants are agents of a FQHC and exclusive jurisdiction of any claim rests in the United States District Court for the District of Vermont and is subject to requirements of the FTCA and the proper party defendant would be the United States of America.

Dated at Montpelier, Vermont this 14th day of September, 2020.

THERIAULT & JOSLIN, P.C.
Attorneys for Defendants

A handwritten signature in black ink, appearing to read "P.B. Joslin", is written over a horizontal line.

Peter B. Joslin, Esq.

cc: Michael J. Gannon, Esq.